

JEAN OAKASON

IBLA 76-61

Decided November 10, 1975

Appeal from decision of the Utah State Office, Bureau of Land Management, requiring an applicant for a noncompetitive acquired lands oil and gas lease to produce certain title evidence.

Affirmed.

1. Administrative Practice -- Mineral Leasing Act for Acquired Lands:
Generally -- Oil and Gas Leases: Acquired Lands Leases

An applicant for an acquired lands oil and gas lease may properly be required to furnish the Bureau of Land Management with reasonable title information in the county recorder's offices as a precondition to lease issuance.

APPEARANCES: John Oakason for Appellant.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Jean Oakason has appealed from a decision of the Utah State Office, Bureau of Land Management, dated June 4, 1975, which required her to submit a "pencil abstract" from the office of the County Recorder pertaining to her noncompetitive acquired lands oil and gas lease offer U-30195. The decision noted that there was insufficient title evidence in the office for the Regional Solicitor to prepare a title opinion.

On appeal Oakason objects to the alleged shifting of the burden of determining the status of the ownership of the oil and gas to the applicant. Appellant maintains that proof of title is the obligation of the United States Government and that if doubt exists it is the Government's obligation to clarify the title question.

With this appeal Oakason again raises the same questions which this Board has recently resolved in Jean Oakason, 22 IBLA 33 (1975), where we considered the disposition of several of her other noncompetitive acquired lands oil and gas lease offers. In that case we held an oil and gas lease offer for acquired lands may properly be rejected in the exercise of discretion if there is doubt concerning federal title to the oil and gas. If an applicant refuses to furnish information which would help remove that doubt, the BLM may properly reject the offer and not hold it in suspense.

For the same reasons as fully expressed in the Oakason case, supra, we hold herein that the BLM may give appellant an additional 30 days within which to submit evidence of title in the nature of an abstract sufficient to allow the Regional Solicitor to determine the status of title to the oil and gas in the lands for which the lease application was filed. 1/ If she fails to do so, her offer will be deemed finally rejected.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from are affirmed. The application is remanded for further action in accordance with this opinion.

Martin Ritvo
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Joseph W. Goss
Administrative Judge

1/ The term "pencil abstract" is neither widely understood nor self-defining.

